IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15060 of 2005

Between:

Anjaneyamma W/o.Tippaiah,
R/o.Boinpally H/o.Pulikal Village, Leez Mandal Mahabubnagar District.

..... PETITIONER

AND

1 The Mandal Revenue officer, Leez, Mahabubnagar district.
2 The District Collector, Mahabubnagar District.
3 The Commissioner, Social Welfare Samskhemabhavan, Masab Tank, Hyderabad.
4 The Principal Secretary to Government, Social Welfare (L.A) Department, A.P.Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more one in the nature of writ of Mandamus directing the respondents to deposit the compensation amount payable to the petitioner in pursuance of the Decree passed in O.P.No.184 of 1991 dated 30-11-1995 in to the credit of E.P.No.70 of 1996 on the file of the court of the Senior Civil Judge, Gadwal along with all benefits as per L.A. Amendment Act including interest on solatium Additional Market value as on today forthwith.

Counsel for the Petitioner: MR.G.BUCHAIAH GOUD

Counsel for the Respondent Nos. 1 to 4: GP FOR LAND ACQUISITION

The Court, at the stage of admission, made the following:

Oral order:

This writ petition is filed seeking a direction to the respondents to deposit the compensation amount payable to the petitioner in pursuance of the decree passed in O.P.NO. 184 of 1991 dated 30-11-1995 to the credit of E.P.No. 70 of 1996 on the file of learned Senior Civil Judge, Gadwal along with all benefits as per Land Acquisition Amendment Act, including interest on solatium and additional market value as on today.

The case of the petitioner is that she is the owner of the dry lands ad-measuring Ac.5-60 cents in survey Nos. 548/A and 548/B (measuring Ac. 4-27 and Ac.1-33 cents respectively) situated in the limits of Boinpally H/o Pulikal village, leej mandal, Mahabubnagar district and the said lands were acquired for the purpose of providing house sites to backward class people. Aggrieved by the proceedings taken up in the award inquiry No. 14 of 1984 dated 17-12-1984 under the Land Acquisition Act (for short 'the Act') in fixing the market value of the acquired land by the authorities, a reference was sought under Section 18 of the Act. A reference was accordingly made to the court of learned Senior Civil Judge, Gadwal in O.P.No. 184 of 1991. By the award dated 30-11-1995, the learned Senior Civil Judge, Gadwal enhanced the market value of the land acquired. The State has also preferred appeal in A.S.NO. 1389 of 1996 before this court against the award enhancing the market value of the lands acquired by the learned Senior Civil Judge. Interim stay of the operation of the decree was granted by this court subject to the condition of State depositing half of the decretal amount awarded by the reference court. In pursuance of the interim direction, half of the decretal amount was deposited. Subsequently, the appeal has been dismissed on 06-12-2000

The grievance of the petitioner is that in spite of attaining finality in the proceedings under the Act for acquisition of the lands of the petitioner, the respondents have not paid the compensation. Since the appeal has been dismissed, the respondents are liable to pay the balance amount in addition to the benefits that are liable to be paid

pursuant to the order in appeal.

Learned Government Pleader submitted, on instructions, that against the judgment of a Division Bench of this Court, the respondents have approached the Supreme Court by way of special leave petition, but the same is not coming up for admission. When there is no order passed by the Supreme Court granting stay of operation of the order passed by this Court, the petitioner is entitled to receive the balance compensation.

Considering the facts and the circumstances of the case, the respondents are directed to deposit the balance compensation payable to the petitioner under the Act to the credit of E.P.No.70 of 1996 in O.P.NO. 184 of 1991 on the file of learned Senior Civil Judge, Gadwal, along with all benefits as per the Land Acquisition Amendment Act within a period of eight (8) weeks from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. No costs.

ELIPE DHARMA RAO, J

Dt. 20-07-2005

Pvks/*

To

1 The Mandal Revenue officer, Ieez, Mahabubnagar district.
2 The District Collector, Mahabubnagar District.
3 The Commissioner, Social Welfare Samskhemabhavan, Masab Tank,

Hyderabad.
4 The Principal Secretary to Government, Social Welfare (L.A) Department, A.P.Secretariat, Hyderabad.

5. 2 CCs., to the Government Pleader for Land Acquisition, A.P. High Court Buildings, Hyderabad (OUT).

6 2 CD copies.

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